

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

**CRAIG S. GOLEN and
ERIN M. GOLEN,**

Debtors.

Bankruptcy No. 19-24844-CMB

Chapter 13

Related to Doc. Nos. 29 and 34

ORDER

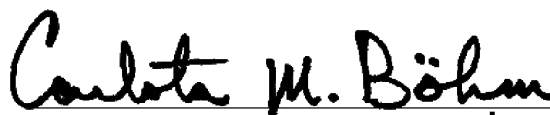
Pending before the Court are *Creditor NPA Associates LLC's Motion to Dismiss Chapter 13 Case* ("Motion to Dismiss," Doc. No. 29) and *Debtors' Motion to Convert Chapter 13 Case to a Chapter 11 Case* ("Motion to Convert," Doc. No. 34). After being presented with the opportunity to request an evidentiary hearing on the pending motions, the parties agreed that an evidentiary hearing was not needed and proceeded to oral argument on October 7, 2020. Upon consideration of the motions, responses, the parties' briefs, the stipulated facts, the entire record of the case, and the arguments presented at the hearing held on October 7, 2020, the Court finds that dismissal of the case is appropriate. The Debtors do not contend, nor can they, that they were eligible for relief under Chapter 13 when they filed their petition on December 19, 2019. In response to the argument that conversion to Chapter 11 would be futile due to the absolute priority rule, the Debtors now assert that they would proceed under Subchapter V of Chapter 11. Notably, after filing under a Chapter for which they were ineligible and in response to the argument of futility in proceeding in a traditional Chapter 11 case, Debtors now seek relief under Subchapter V which was not even available until months after their petition was filed. Accordingly, Debtors would benefit from the date of filing under a Chapter for which they were not eligible until months later when Subchapter V became an available option. Notably, no other parties responded to the pending motions or appeared to be heard at oral argument. Based on the entire record of the case, the Court finds it would be inappropriate to permit conversion under the circumstances of this particular case.

Therefore, it is hereby **ORDERED, ADJUDGED, AND DECREED** that:

1. The Motion to Dismiss is **GRANTED**. The above-captioned case is dismissed without prejudice.

2. The Motion to Convert is **MOOT** due to the dismissal of the case.
3. The Debtors remains legally liable for all their debts as if the bankruptcy petition had not been filed. Creditor collection remedies are reinstated pursuant to 11 U.S.C. §349.
4. The Court retains jurisdiction over the Trustee's Report of Receipts and Disbursements and Final Report and Account. Upon submission of the UST Form 13-FR-S: Chapter 13 Standing Trustee's Final Report and Account, the Trustee is discharged from her duties in this case, and this case will be closed without further order of Court.
5. The Clerk shall give notice to all creditors of this dismissal.

Dated: October 8, 2020


dmr

Carlota M. Böhm
Chief United States Bankruptcy Judge

FILED
10/8/20 7:51 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

Case Administrator to serve:

All Creditors and All Parties In Interest

In re:
Craig S. Golen
Erin M. Golen
Debtor(s)

Case No. 19-24844-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dric

Page 1 of 3

Date Rcvd: Oct 08, 2020

Form ID: pdf900

Total Noticed: 30

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 10, 2020:

Recip ID db/jdb	Recipient Name and Address
cr	+ Craig S. Golen, Erin M. Golen, 510 Ridge Court, Cranberry Twp, PA 16066-3364
cr	+ NPA Associates LLC, Buchanan Ingersoll & Rooney P.C., c/o Tyler S. Dischinger, Esq., Union Trust Building, 501 Grant Street, Suite 200 Pittsburgh, PA 15219
15188661	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
15282640	+ ACAR Leasing LTD d/b/a GM Financial Leasing, PO Box 183853, Arlington TX 76096-3853
15173586	+ ACAR Leasing LTD dba GM Financial Leasing, P.O Box 183853, Arlington, TX 76096-3853
15173587	+ American Express, PO Box 981537, El Paso, TX 79998-1537
15191530	+ Barclays Bank of Delaware, PO Box 8803, Wilmington, DE 19899-8803
15173590	+ Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15188701	+ Citicards CBNA, PO Box 6241, Sioux Falls, SD 57117-6241
15200704	+ JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
15173594	+ NPA Associates LLC, c/o Tyler S. Dischinger, Esq., Union Trust Building, 501 Grant Street, Ste 200, Pittsburgh, PA 15219-4413
15173595	+ NPA Associates LLC, 27 Mischa Hill Road, Trumbull, CT 06611-5034
15199799	+ PNC Bank, PO Box 3180, Pittsburgh, PA 15230-3180
15173596	+ PNC Bank, N.A., P.O. Box 94982, Cleveland, OH 44101-4982
15173598	+ PNC Mortgage, PO Box 8703, Dayton, OH 45401-8703
	+ The Home Depot/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497

TOTAL: 16

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Oct 09 2020 01:48:09	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15173588	+ Email/Text: robert.finkel@bipc.com	Oct 09 2020 00:57:00	Buchanan Ingersoll & Rooney PC, Attn: Christopher P. Schueller, Esquire, One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, PA 15219-1412
15173589	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 09 2020 01:49:12	Capital One, PO Box 30281, Salt Lake City, UT 84130-0281
15173591	Email/Text: mrdiscen@discover.com	Oct 09 2020 00:57:00	Discover Financial Services LLC, PO Box 15316, Wilmington, DE 19850
15198393	Email/Text: bnc-quantum@quantum3group.com	Oct 09 2020 00:57:00	Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657
15175462	Email/Text: mrdiscen@discover.com	Oct 09 2020 00:57:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15194369	+ Email/Text: Hcabanruptcy-courtntices@hcamerica.com	Oct 09 2020 00:58:00	Hyundai Lease Titling Trust, PO Box 20809, Fountain Valley, CA 92728-0809
15204026	Email/Text: JCAP_BNC_Notices@jcap.com	Oct 09 2020 00:58:00	Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
15173592	Email/PDF: ais.chase.ebn@americaninfosource.com		

District/off: 0315-2

User: dric

Page 2 of 3

Date Rcvd: Oct 08, 2020

Form ID: pdf900

Total Noticed: 30

		Oct 09 2020 01:49:07	JPMCB Card Services, PO Box 15369, Wilmington, DE 19850
15173593	+ Email/Text: PBNCNotifications@peritussservices.com	Oct 09 2020 00:57:00	Kohls/Capital One, PO Box 3115, Milwaukee, WI 53201-3115
15203313	Email/PDF: resurgentbknofications@resurgent.com	Oct 09 2020 01:48:11	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15173597	Email/PDF: gecsedl@recoverycorp.com	Oct 09 2020 01:49:07	SYNCB/Amazon PLCC, PO Box 965015, Orlando, FL 32896-5015
15173943	+ Email/PDF: gecsedl@recoverycorp.com	Oct 09 2020 01:48:06	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15199849	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Oct 09 2020 01:50:14	Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 14

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		ACAR Leasing LTD dba GM Financial Leasing
cr		PNC Bank, National Association
15191531	*	Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
jdb	*+	Erin M. Golen, 510 Ridge Court, Cranberry Twp, PA 16066-3364

TOTAL: 2 Undeliverable, 2 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 10, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 8, 2020 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PNC Bank National Association bnicholas@kmlawgroup.com
Brian C. Thompson	on behalf of Joint Debtor Erin M. Golen bthompson@ThompsonAttorney.com blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@thompsonattorney.com;jcastello@thompsonattorney.com;kbelko@thompsonattorney.com
Brian C. Thompson	on behalf of Debtor Craig S. Golen bthompson@ThompsonAttorney.com blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@thompsonattorney.com;jcastello@thompsonattorney.com;kbelko@thompsonattorney.com

Office of the United States Trustee
ustregion03.pi.ecf@usdoj.gov

District/off: 0315-2

User: dric

Page 3 of 3

Date Rcvd: Oct 08, 2020

Form ID: pdf900

Total Noticed: 30

Ronda J. Winnecour

cmecef@chapter13trusteedpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

Tyler S. Dischinger

on behalf of Creditor NPA Associates LLC tyler.dischinger@bipc.com donna.curcio@bipc.com

TOTAL: 7